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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,265	02/23/2000	Charlie Ghahremani	37075/JEC/X2	4000
35114	7590	05/03/2004	EXAMINER	
ALCATEL INTERNETWORKING, INC. ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	14

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,265

Applicant(s)

GHAHREMANI, CHARLIE

Examiner

Shick C Hom

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/29/04 have been fully considered but they are not persuasive. In response to applicant's argument in page 6 line 9 to page 7 line 5 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., multi-media switching and resource allocation of switching applications based on Quality of Service QoS) are not recited in the rejected claims 1, 6-7, and 12-13). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In page 7 lines 6-11, applicant argued that time-stamping a datagram and monitoring its time in a queue is not the same as upfront QoS level based resource allocation of the present invention. While examiner agree that it is not the same, Diaz et al. in col. 19 lines 24-43 describe the implementation of QoS by the time-stamping procedure and by monitoring its time in the queue and updating the weighted age field of the datagram header clearly anticipate placing and receiving packets into a queue corresponding to a QoS level of

the packet as recited in claims 2-3 and 8-9; further the features upon which applicant relies (i.e., the upfront QoS level based resource allocation) are not recited in the rejected claims 2-3 and 8-9.

Drawings

2. The drawings submitted with this application were declared informal by the applicant. Accordingly they have not been reviewed by a draftsman at this time. When formal drawings are submitted, the draftsman will perform a review.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities: in page 2 lines 8-9 of the amendment of 1/29/04, update status of U.S. Patent Applications filed on Feb 23, 2000.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371^o of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 6-7, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Volftsun et al. (6,111,893).

Volftsun et al. teach that it is known to provide the switching system including mean for converting the signals based on protocol definitions and customer-specified parameters into a non-protocol specific form, e.g. a generic protocol, and then converts the generic protocol into the requisite protocol of the receiving network as set forth at col. 3 line 63 to col. 4 line 14. Col. 15 lines 7-13 and col. 3 lines 7-23 which recite the use of the protocol conversion in network applications; and col. 4 lines 47-64 which recite the second protocol in the field of digital and multiplex communications for the purpose of servicing protocols of an international telephony system clearly anticipate the means for passing a generic packet to the application, means for invoking the application for processing the generic packet, receiving from the application the generic packet and translating the generic packet into a second protocol and sending it to an output port as in claims 1, 6, 12, 14 the generic forwarding interface as in claim 7, and the packet forwarding application as in claim 13.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2-5, 8-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volftsun et al. (6,111,893) in view of Diaz et al. (5,809,021).

Volftsun et al. disclose nearly all the subject matter now claimed. Volftsun et al. teach that it is known to provide the step of converting the signals based on protocol definitions and customer-specified parameters into a non-protocol specific form, e.g. a generic protocol, and then converts the generic protocol into the requisite protocol of the receiving network as set forth at col. 3 line 63 to col. 4 line 14; and col. 15 lines 7-13 and col. 3 lines 7-23 which recite the use of the protocol conversion in network applications; and col. 4 lines 47-64 which recite the second protocol in the field of digital and multiplex communications for the purpose of servicing protocols of an

Art Unit: 2666

international telephony system clearly anticipate the step of passing a generic packet to the application, receiving from the application the generic packet and translating the generic packet into a second protocol and sending it to an output port as in claim 1. Volftsun et al. teach that it is known to provide the switching system including mean for converting the signals based on protocol definitions and customer-specified parameters into a non-protocol specific form, e.g. a generic protocol, and then converts the generic protocol into the requisite protocol of the receiving network as set forth at col. 3 line 63 to col. 4 line 14. Col. 15 lines 7-13 and col. 3 lines 7-23 which recite the use of the protocol conversion in network applications; and col. 4 lines 47-64 which recite the second protocol in the field of digital and multiplex communications for the purpose of servicing protocols of an international telephony system clearly anticipate the means for passing a generic packet to the application, means for invoking the application for processing the generic packet, receiving from the application the generic packet and translating the generic packet into a second protocol and sending it to an output port as in claim 6.

Art Unit: 2666

Volftsun et al. did not recite placing packet into the receiving and forwarding queues corresponding to a quality of service level of the packet as in claims 2, 3, 8, 9; the destination port being selected from a group consisting of internal external unicast or multicast ports as in claim 5; and sending packet to a backplane wherein the packet having port address within a range reserved for the destination port as in claim 4.

Diaz et al. disclose the above missing limitations. Note col. 1 lines 29-43 which recite services that support bursty information types such as packet services and col. 1 line 66 to col. 2 line 38 which recite a multi-service switch for a telecommunications network including a plurality of interface modules each have an input and an output whereby the input being coupled to the egress portion of the system bus, and the output being coupled to the ingress portion of the system bus operable to perform distributed switching wherein an ingress/egress bridge is coupled to the ingress portion of the system bus, and the output of the ingress/egress bridge is coupled to the egress portion of the system bus configured to support a plurality of types of telecommunications services having unique data formats including the interworking of different service types, that is,

Art Unit: 2666

the transformation of telecommunications information received in a first format to a second format for transmission in the second format to other entities in the network clearly anticipate the data switch including the plurality of interface modules having the method of forwarding block of data comprising receiving a first packet in a first protocol, translating the first packet into another protocol or format. Col. 16 lines 36-57 which recite the multi-service switch composing of multiple clusters of chassis and the cluster of chassis connected to the output port clearly anticipate sending the translated packet to an output port. Col. 19 lines 24-43 which recite the multi-service switch system maintaining the switching delay component of the quality of service using a timestamping procedure which records the time of arrival and the time of departure from the queue clearly anticipate placing packet into the receiving and forwarding queues corresponding to a quality of service level of the packet as in claims 2-3, 8-9, 15. Col. 16 line 58 to col. 17 line 29 which recite the use of the group address/multicast connection number field and providing entities with packet bus overlay bearer services consisting of both point to point unicast and point to multi-point multicast modes of data transfer clearly anticipate the destination port being selected

Art Unit: 2666

from a group consisting of internal external unicast or multicast ports as in claim 5. Col. 18 line 53 to col. 19 line 5 which recite the datagram destination address being examined by the packet bus entities, placing it in the egress queuing system according to the associated class of service level, maintaining in separate subqueues to provide the quality of service levels associated with each class of service, and local and external switching of packet services in the same chassis or cluster, and for external switching between entities in different clusters clearly anticipate the sending packet to a backplane wherein the packet having port address within a range reserved for the destination port as in claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the step of passing a generic packet to the application, receiving from the application the generic packet and translating the generic packet into a second protocol and sending it to an output port and the generic forwarding interface as taught by Volftsun et al. to the multi-service switching system of Diaz et al. because Volftsun et al. teach the desirable added feature of servicing protocols of an international telephony system in Diaz et al.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

Application/Control Number: 09/511,265
Art Unit: 2666

Page 11

(703) 872-9306, (for formal communications;
please mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Shick Hom
whose telephone number is (703) 305-4742. The examiner's
regular work schedule is Monday to Friday from 8:00 am to 5:30
pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Seema Rao, can be
reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the

Application/Control Number: 09/511,265
Art Unit: 2666

Page 12

Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

A handwritten signature in black ink, appearing to be 'JMR'.

SH

DINGTON
TECHNICAL ENGINEER

April 29, 2004